IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 35749 of 1997

Between:

Ch.Raja Rao, S/o late Ch.Narasimha Rao,
Sri Vari Venkata Satyanarayana Swamy Vari Devasthanam, R/o No.20, Pampa Choultry, Annavaram, E.G.District.

....PETITIONER

AND

1 The Executive Officer, Sri Vari Venkata
Satyanarayana Swamy Vari Devasthanam,
Annavaram, E.G.District.

2 The Commissioner of Endowments, Endowments
Department,Government of A.P., Tilak Road,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus, directing the respondents herein to absorb the petitioner herein in the post of Head Cook in the time pay scale of Rs.1875-3750 w.e.f. the date of completion of 5 years of service i.e. 16.3.94 and consequently direct to pay all consequential attendant benefits such as Arrears of Salaries, Seniority, etc.,

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for the Respondent No.1: SMT.INDRANI, STANDING COUNSEL

Counsel for the Respondent No.2: G.P. FOR ENDOWMENTS

The Court made the following:

ORDER

Heard Mr.S.Ravindranath, learned counsel appearing on behalf of the petitioner and also learned Standing Counsel appearing on behalf of the respondent.

The main grievance of the petitioner is that even though the petitioner was initially appointed as long back as on 9-3-1988 as a cook on N.M.R. basis, his case for regular pay and also regularization of services on par with several similar such persons including those who have been appointed much later to him remained unconsidered. The complaint of the petitioner is that several persons have appointed subsequently, they were given regular pay scales and their services were also regularized. In this connection, the petitioner has filed a detailed representation pointing out all the irregularities especially the denial of the regularization of service and also awarding proper pay scales. But, the respondents without properly considering the same, has passed impugned orders, dated 25-4-1997. Hence the Writ Petition.

Having heard the counsel on either side and also on perusal of the record, it is seen that the impugned orders are passed not only on laconic but also without giving any reasons to which the petitioner is entitled for the relief sought for both as regularization of services and also for Scale of pay. Further it is also to be noted that even though the petitioner has pointed out the irregularities, the petitioner was not given the pay scale and his services were not regularized. It is stipulated that especially where substantial rights of the parties being affected, necessary orders be passed meeting the objections raised and also giving reasons in support thereof either way. Therefore, the matter should be considered afresh by giving proper opportunity to the petitioner.

Accordingly, the Writ Petition is allowed and the impugned order, dated 25-4-1997 of the 1st respondent and also that of the 2nd respondent dated 4-3-1997 are set aside. The matter is remitted back to the 2nd respondent for fresh

consideration and disposal in accordance with law on merits after giving notice and opportunity to the petitioner. The entire exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.

07-02-2005.

Hsd

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the Seventh day of February, 2005.

Asst. Registrar

To

1 The Executive Officer, Sri Vari Venkata
Satyanarayana Swamy Vari Devasthanam,
Annavaram, E.G.District.

2 The Commissioner of Endowments, Endowments
Department,Government of A.P., Tilak Road,
Hyderabad.

3.2 C. Cs to G.P. for Endowments, High Court
buildings, Hyderabad (OUT)

4. 2 C.D. copies.